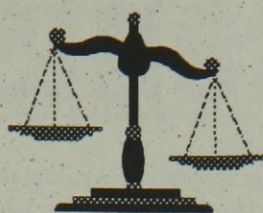




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JIS

# Quid Navi



Volume XIV, No. 22

UNIVERSITÉ MCGILL FACULTÉ DE DROIT  
MCGILL UNIVERSITY FACULTY OF LAW

March 21, 1994  
le 21 mars, 1994

## Reflections on *Kanehsatake* - 270 Years of Resistance

Jon Levinson  
LLB III

"Seh.. my right.. is my right.. like my life is my life... all I have is my right. And I no care.. who de guy is."

Bob

Marley

On March 9 I saw *Kanehsatake* - 270 Years of Resistance, in the Moot Court. Its writer and director, Alanis Obomsawin, was present throughout and answered questions afterwards. The film is a documentary that follows the confrontation of 1990 between Mohawks, Quebec police and the Canadian Army, as well as some of the historical background against which the standoff is set. It is an upsetting, shocking film, depicting all manner of injustices, from the incredibly brutal to the incredibly legal, committed in our country by supposed public servants. Not much of the footage ever made the

news, for whatever reason, and the film is recommended material for law students in particular. I have never witnessed such a flagrant disregard for Canadian law as is demonstrated by our own police throughout the film. I had not cried in a long time, nor felt so threatened. No one can be safe in a society where some are above the law. What follows was written immediately after seeing the film:

The time has come. The time has come for justice to surround us, whoever and wherever we are. For peace to be felt by all. The time has come for the few to become part of the many, rather than the many to crowd in to try and become the few. For the wise, the meek, and the peaceful to be honoured, and for the reign of the ignorant, the sick and the brutal to end. The law of nature is not violence but interdependence. The desires of small people to play with weapons can no longer be accommodated, as ours must

continue to be a world in which children can have a place. The extreme is by its nature short-lived, while the moderate will always continue. Greed and lust consume all in their path, leaving tears, pain and despair in their wake. The time has come for lovers of their fellow living beings, lovers of peace, to assert their righteousness, so that all may bask in the glow.

"It all boils down to property... in the long run."

- J.E.C. Brierley

We are all a part of our surroundings. We are indistinguishable from the medium itself. A jellyfish is a localization of water, arranged in a way that works. A flower is a concentration of earth and air, a grouping of particles that agree. Humans too, are concentrations of their older surroundings, which is why cities

(Continued on page 4)

## McGill and St. Petersburg University Unity in Law

Peter Sahlas  
LLB I

In the former Soviet Union, opportunities now abound for cooperative international projects which can spur and sustain the growth of a new civil society. Political stability and economic prosperity in the region will hinge in large part on cogent and tenable legal reform. With this in mind, for several months now an

international cooperative effort has been underway, planning the establishment of a student/faculty exchange program between our school and the well-respected law faculty of St. Petersburg State University.

Through the establishment of such a program, the Canadian participants would gain valuable first-hand insights

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# Announcements / Annonces

## Inter Amicus

### TOWARDS INTERNATIONAL CRIMINAL JUSTICE / VERS UNE JUSTICE PÉNALE INTERNATIONALE

The Honourable Jules Deschênes will be speaking at the Fifth René Cassin Lectureship In Human Rights, on March 17, 1994 at 5:30 P.M. in the Moot Court.

L'honorable Jules Deschênes parlera à la cinquième conférence René Cassin sur les droits de la personne, le jeudi 17 mars 1994 à 17h30, salle du tribunal-école.

ELAM will hold a **Careers Workshop in Environmental Law** on Thursday, March 24th, at 4:00pm in the Moot Court, NCDH. Speakers will include Me Anne Marie Sheehan from McCarthy Tétraut, Me Hélène Cartier from Cambior (a mining company), and Me Andrew Orkin, who is a sole practitioner. Nos invités feront un court exposé, répondront à vos questions, et le tout sera suivi d'un "Vins et Fromages". Tous sont invités.

### CASEBOOK AND RESEARCH ASSISTANCE

Professor de MESTRAL requires assistance revising course materials in Droit constitutionnel, EEC I and Law and Practice of International Trade. The period of employment would be 8 weeks. Work could begin immediately or for the period MAY-JUNE. La documentation pour Droit constitutionnel est en français. Interested students are requested to call 398-6643 and to leave a brief résumé in Professor de MESTRAL's mailbox.

### "LEGAL-EASE" COORDINATOR APPLICATIONS

The McGill Legal Information Clinic is seeking a Coordinator for the CKUT's bi-weekly radio program "Legal-Ease". The Coordinator will organize and execute the regular functioning of the program, including:

- Recruiting and supervising between two and ten announcers during the academic year;
- Planning programming topics and

scheduling;

- Taking responsibility for such technical and production aspects as agreed upon by the Coordinator(s) and CKUT;
- Liaising with CKUT personnel and administrators.

Priority consideration will be given to applicants who have already served as announcers for the "Legal-Ease" program. Applicants should submit an informal, one page letter to the McGill Legal Information Clinic, attn: Leslie Kaufman, by March 21, 1994.

Those only interested in being announcers need not apply at this time. For more information, please contact Daniel Romano at 289-9560 or via e-mail at d\_romano@lsa.lan.mcgill.ca.

**LEGAL CLINIC COURSE:** The meeting of February 3rd, which was cancelled, has now been rescheduled for Thursday, March 17th, 4pm, in Room 203. Thank you.

### Reminders from your user-friendly Office of Undergraduate Studies

Time is running out. Those students with first term **Deferreds/Supplementals** to write in August should complete the form available from USO and get it to us before **Thursday 31st March**.

As promised, this is a further reminder your **term essays and papers** are due **Friday 22nd April**. Extensions will be extremely difficult to get!

Examinations and computers don't mix. Please remember computers are not allowed into examination rooms for any reason whatsoever.

When planning your 1994-95 courses, keep in mind that **Practical Writing and Drafting** (1 cr.) may be used only once during your course of study. All requests for this add-on **MUST** be approved by both the instructor for whom you will produce the extra work and the Associate Dean (Academic).

**1994 Post-graduate Scholarships** applications (Botsford Busteed, John W. Cook K.C. Prize,

Macdonald Travelling, Thomas Shearer Stewart Travelling, Spiegel Sohmer Taxation) and **1994 Prizes & Scholarships** applications (essays, extra-curricular activities, improvement & progress and Anglophones showing proficiency in French) are now available from USO.

**Attention all FIRST YEAR students:** Upon successful completion of your first year of study, you will be admitted automatically to the National Programme. If you wish to opt out of the National Programme, come to the Undergraduate Studies Office and fill out the necessary form.

### WORLD-WIDE WEB

The faculty is now in the midst of developing a WWW (World-Wide Web) site on the Internet with a view to accessing and providing electronic legal information. Students interested in pursuing this project should contact Prof. Richard Janda at 398-5097 or by E-mail at richard@fulaw.can.mcgill.ca. We are especially anxious to contact students with some computer expertise.

### YEARBOOK: Res Ipsa Loquitur

Do you have some time to help out with putting the yearbook together? Please leave a message in Res Ipsa Loquitur box in the LSA Office. There is lots to do and there are few volunteers.

### A Message From The LSA

Remember that the LSA Executive holds office hours 4 days a week now (Wednesday is our day of rest). The exact times we are available will be posted outside the LSA Office. All students note that the LSA will be off limits to all lunchers during these times!

### LEGAL EASE - the law school talkshow

Tune in every second Friday on CKUT 90.3 from 11:30 a.m. - 12:00 noon with hosts Melanie Parsons and Patrick Martin.

Next Show = Friday, March 25th at 11:30 a.m. ...please tune in.

--> if you would like to guest host a show please contact Patrick or Melanie.

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# EDITORIAL: Zealots and Their Inane Questions

Have you ever had (how could you possibly have not had) one of those classes where *those* inane questions monopolize classroom discussion? One of *those* classes where the normal professor/student discourse is kidnapped and held hostage at the whims of the local *zealots*?

Not that these classes, questions or zealots need to be described in any detail, but the classes seem to drag on interminably, the questions have a tenuous – at best – relation to relevance (or even reality), and the zealots are, well, zealots (the type of people that thrive on long dry classes, and irrelevant questions).

I have often wondered about the mental state of zealots as my mind starts to slide into the nether reaches of consciousness that usually coincides with the point of the class where it reaches the neutral zone (*Neutral zone* – noun. Indeterminate period of time in a classroom lecture typically found when the lecturer unsuccessfully attempts to change the subject of discussion and the class idles while zealots rehash some of the finer [non-]issues only tangentially related to that subject). *Question*: Is this

genuine interest or mere intellectual *masturbation* (or is the word intellectual too generous)? If it is genuine interest, that would surprise many people (that is...if they were awake) while if it is intellectual masturbation, is an audience really necessary? Is the law faculty full of that many extroverts?

Irrespective of the definition that you give this behaviour (zealots *love* definitions), the effect is the same. Inane questions deaden the brain and put you to sleep. It actually becomes a conditioned effect (à la Pavlov) by the end of term: a known zealot opens his or her mouth, and half of the class falls asleep. Of the remaining half, most are keeners who are intent on not missing anything that could possibly be on any exam anywhere in any class, some (not an exclusive category ... many keeners are part of this group) had the misfortune of drinking too much *strong* coffee in preparation for the class, and others are zealots with painful festering questions waiting to be lanced. I'll bet you any money that the cafeteria (the one with the monopoly on coffee (weak coffee, *but they do* have cream...)) in our faculty pays off the zealots during those two-

hour classes with breaks. A small investment for a big payoff in coffee revenues (have *you* noticed how the coffee prices are steadily increasing?).

This will be one of my enduring (*endearing*?) memories of law school. Here was where I met zealots. And naive me who thought that they all belonged to some silly religious sect in some faraway place. *They* should have warned me before I came. This is a professional school, so it's not inconceivable that there are some professional zealots here. I had a protected childhood. There were no zealots in undergrad that I can remember (I think, but that was a long, long time ago on a far away planet where there was no job market for what I was doing anyway).

Have you ever wondered how hell might be advertised on television? Picture this: for fifteen seconds, images from the neutral zone are beamed on your screen while there is a voice-over of a zealot in the throes of ecstasy. At the end of the ad, the caption appears in crimson: "Could you imagine four years?"

## Gale Cup Moot

### Professor Patrick Healy

The competition was held at Osgoode Hall (i.e., Queen Street) in Toronto on March 4th and 5th. The finalists placed in the following order: Osgoode Hall Law School, Victoria, Toronto, U.B.C.

The subject was to appeal the decision of the Supreme Court of Canada in *Sue Rodriguez*. This was a difficult and challenging case for all mooters and for the judges.

McGill's team was Loretta Colton, Richard Fowler, Aldona Gudas and Allyson Whyte. Each pleaded orally with

great skill and distinction. They also expertly prepared two factums. On Friday, the Appellants, Loretta Colton and Aldona Gudas, met Victoria. On Saturday, Richard Fowler and Allyson Whyte mooted against Calgary. To my surprise, and mild consternation, McGill was judged second in both instances. The team this year pleaded with the same level of skill and expertise shown by the team last year, which placed second. In this sense there is clearly a mimetic quality to the Gale Cup.

Thanks to the following for generously giving their time and attention to the team during its

preparations:

Glenn Betteridge  
Guy Courmoyer  
Rose Graf  
Nicholas Kasirer  
Fred Kaufman  
Leslie Kaufman  
Yves-Marie Morissette  
Jennifer Oulton

I apologize to any other aider and abettor whose name I have omitted.

It was a pleasure to work with the Gale Cup Team. Everybody worked hard and had fun. Congratulations to them for excellent work.



(Continued from page 1)

can hurt so much. Nothing truly new and sustainable could ever have been born in a city. The artificiality of the urban environment causes perversions of our natural humanity, and makes humans into bureaucrats, haters and lunatics. What type of humanity is it that so many pursue, a humanity that couldn't survive amongst trees and animals and children? The greatest challenge is to continue to love in the city, to maintain a full existence that would be respected in the woods, by other living things. What order, what type of justice is it that offends the innocent? One that might become strong in its time, but not for very long.

There is a story of a Zen master who found himself travelling on a ferry between two distant islands. Also on board was a fighter, returning from his latest win. The fighter was making a hell of a fuss, flashing his bulging muscles and boasting incessantly of his prowess, to such an extent that the master spoke up, asking that he be quiet. The fighter took the request as a challenge, and began threatening the Zen master. "I'm not here to fight, and don't want any trouble.. Only

that you be quiet," was the reply. The fighter still wanted to go, "I'll kick your ass!" and suggested that the boat stop at a near island for the fight. The Zen master, seeing no other way out, agreed and, winking at the ship's captain, requested that the boat pull up at the beach. When the ship had stopped, the

"You thought it was over, but it's just like before. Will there ever be an end to the Indian wars?"

- Bruce Cockburn

fighter dove out and swam ashore. The Zen master remained on board, though, and the fighter began yelling, calling him a wimp and such. The Zen master winked again at the captain, and, as the boat began to pull away, leaving the fighter stranded, he replied, "This is the way of winning by losing. You've won your fight, and yet I've won."

"A sovereign cannot raise an army because he is enraged, nor can a general fight because he is resentful. For while an angered man may again be happy,

and a resentful man again be pleased, a state that has perished cannot be restored, nor can the dead be brought back to life."

- Sun Tzu

How long must the same lesson be repeated over and over again, before a basic respect for peace and human rights will be learned by those who even today flex their physical might, devoid of understanding? The art of war is not to fight.

"You thought it was over, but it's just like before. Will there ever be an end to the Indian wars?"

- Bruce Cockburn

The film sells for \$19.95, and can be obtained from the National Film Board of Canada, Kanehsatake, D-5, P.O. Box 6100, Station Centre Ville, Montreal, H3C 3H5, or by FAX at 496-2573 to the attention of Kanehsatake.

## ARE YOU INTERESTED IN REGISTERING FOR THE LEGAL CLINIC COURSE NEXT YEAR?

An information session on the Legal Clinic Course will be held Thursday March 31st, 4pm in Rm 101. A stricter admission policy is planned for next year and it is thus strongly recommended that you start thinking early about your eventual placement. If you are interested and want more information about the participating community organizations, please attend the session or contact Bruno Guillot-Hurtubise at the McGill Legal Information Clinic, 398-6792. Please note that the Legal Clinic Course is only open to 3rd and 4th year students.

## CLINICAL SUMMER-JOB PROGRAM

A number of law firms in Montréal have expressed an interest in participating in a new clinical summer-job program. If you have been hired by one of these firms for next summer you may be able to spend one day a week providing legal information and services to a community organization, while receiving your regular weekly salary from the firm. The law firms would thus be subsidizing organizations that are incapable of providing the legal services that law students registered in the legal course normally offer during the academic year. This program has not yet been confirmed and will depend greatly on the level of student interest. If you have been hired by a Montréal firm for next summer and would potentially be interested in such a program, please contact Bruno Guillot-Hurtubise as soon as possible at the McGill Legal Information Clinic, 398-6792.



(Continued from page 1)

into the nature and functioning of the emerging legal order. The project would be of long-term benefit both to the students and professors working under some form of cooperative agreement between our universities, as well as to the Canadian government and private sector groups who would eventually benefit from the infrastructural expertise gained by the program's participants.

In preliminary discussions with the St. Petersburg State University Faculty of Law, our Russian counterparts have indicated that some form of resource sharing, student and faculty exchanges, and professional internships are their main priorities. They foresee joint research and publication, academic colloquia, and broader international conferences as possible extensions of these priorities.

McGill Law is particularly well placed to act as the Canadian sister institution in this project. Our counterparts at the St. Petersburg State University Faculty of Law have expressed their interest in our strengths in Comparative Law, Domestic and International Commercial Law, Public International Law, Maritime Law, Air and Space Law, Law Reform, and of course the bi-systemic National Programme. Our counterparts are eager to work with us to determine where we will concentrate our efforts.

Particularly after the Russian electorate's endorsement of President Yeltsin's new constitution last December, the democratic forces clearly recognize the importance of establishing the legitimacy of the law. Principles such as equal justice for all under the law, a separation of powers, due process and private ownership of property are now beginning to take hold. Yet the adoption of a new constitution granting individual rights and clarifying formal relationships among institutions and administrative levels does not necessarily signal the emergence of the rule of law. The Russian leadership is simultaneously facing two colossal tasks: building a law-based state and governing a society engulfed in turmoil. The development of a clear division of powers and respect for law and procedure is a tremendous, long-term undertaking. Such development will occur only when the law is viewed with confidence by internal and external actors as a reliable means of dispute resolution, and when the public recognizes the value of a principled and unconditional attachment to the law as the foundation of a democratic society.

The project we have undertaken can make a valuable contribution towards these ends. Our contacts in St. Petersburg are energetic leaders who have demonstrated great

professionalism and political acumen in our discussions to date. In addition to the official backing of our universities, Anatoli Sobchak, the Mayor of St. Petersburg (also one of the foremost legal scholars in the former Soviet Union) has shown interest in lending support to our endeavour. Here in Canada, the Ministry of Foreign Affairs has been very supportive of such international exchanges. As the project progresses, we hope to be able to bring in support from the private sector.

This project has great potential for both sides as a mutually beneficial forum of international cooperation. Recent geopolitical changes have enabled Western academicians and legal professionals to play a significant role in the foundation of the new legal order in the former Soviet Union. Increased international interaction can help move the country forwards towards its heretofore elusive goal of building a new civil society. The commitment, experience, and level of interest of those involved augur well for the success of this collaborative undertaking. If you are interested in becoming involved, or would like to be informed of developments as the project progresses, do not hesitate to approach me or make contact by phone or electronic mail.

## The Future of Russian Democracy?

(Photo by Victor  
Zaitsev)





"A lawyer starts life giving \$500 worth of law for \$5, and ends giving \$5 worth for \$500."—Benjamin H. Brewster.

You may have noticed some of your friends are looking a little sharper than usual these days. That's because it's interview season at the faculty. Interview season begins on the first of March and ends on the 31st of March. During that time students are invited to strap a mattress to their back, and peddle their ass from firm to firm in the hopes of getting a job. The first-year students snicker at the upper-year students. While admiring someone's new haircut, they sneer, "Boy, do you look just like the butt kisser." (Just you wait! Soon enough you'll be grovelling in the most supplicative fashion.) This kind of ridicule doesn't compare with some of the abuse vested upon students during a law firm interview. It is not unknown to have students show up for their interview at the appointed time and be forced to wait an hour or more. You sit there in the lobby sweating through your best suit, trying desperately to memorize the different departments that the firm has, and the biographies of the lawyers interviewing you. I'm not being entirely fair. Most of the firms go to great lengths to try to put the candidates at ease, but it rarely helps. The worst part is that you really have no idea how you are doing in the interview. The only barometer that I have come across is that the longer the interview, the better you're doing (my interviews generally last about 3.7 minutes). The questions range from the innocuous, to the thought-provoking, to the downright invasionary. One of the best questions that I've heard is, "What would you do if you weren't a lawyer?" One of the worst I've heard is, "We don't think you're cut out to be a lawyer, what do you think?"

The system itself is wrought with problems. Mostly it can be attributed to the fact that demand outstrips supply in terms of jobs. As a result, firms are forced to rely on blunt instruments, such as grades, to determine which candidates to interview, which biases the system against those who don't test well. The system seeks to benefit students by guaranteeing articling positions, however, in doing so, they often force

students and firms together before they've had adequate time to get to know each other, perhaps over a summer of employment. They cram the interviews into a three-week session in March, usually during school hours. I've been told that most of the system was created at the request of students who didn't like the competition fostered under the old system. I want to know which firms want to hire a hirsute, bright student, who is willing to listen and learn? You see I'm not saying the whole articling system is bogus, far from it. When you graduate from any school, you know a tremendous amount about theory, but nothing of practice. Theory is fine for an academic paper, but you just can't argue the constitution in every case. Law firms provide an important training ground for students to learn the practical side of practising law. For that reason all law firms should be required to take on at least one articling student per year, this would help give us a few more jobs. Who knows, the lawyers may just like it. What's the alternative? Alternative career training sessions. Now repeat after me, "Would you like fries or dessert with that?" Selah.

...

Once again this year I launched myself into the lurid underbelly of the political scene. I threw my hat into the ring for the position of class representative, hoping to do better than my last year's showing of six votes. Well from dead last to winner by acclaim. What am I doing now? I'm going to the library! I hereby promise to fulfil my duties to the best of my ability. To seek out injustice, or just good-natured moaning, and bring it to the attention of whosoever ear I can bend. If I get my way there would be a summary in every backpack, a job offer in every mailbox, and parallel citation for the S.C.R. and D.L.R. would be forbidden. Furthermore, coffee house would be a two-credit course, and coffee in the cafeteria would be free before 8:45 a.m. (provided you brought your own cup). To all of you who may have not done as well as you would have liked during the elections this year, take heart. There's always next year. Res Ipsa

Loquitur.

...

I was having a heated discussion with a few friends the other day about crime and crime control. I am a staunch advocate of due process. I believe the state must be able to prove every case beyond a reasonable doubt if the accused so desires. This is not to say that they have to prove every case. The more damning the evidence, the more likely it will be that the accused will plead guilty, rather than waste time and money on a meaningless defence. However, if the evidence was obtained illegally, why should the accused not avail herself of all the means at her disposal to fight a conviction? Furthermore, why should I be blamed for defending her? Why not blame the police for not taking the proper steps to ensure the evidence was obtained legally? Why not blame the Attorney General who rushes a trial

because it's a politically charged topic? We go a long way to try to ensure fairness in our system. We appoint judges federally so they will be immune from the political influence of where they sit. We require that the prosecution prove its case beyond a reasonable doubt, and yes, we guarantee the right to counsel for everyone, no matter how heinous the crime they are accused of committing. To do anything less would be to sacrifice our freedom for security. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding... Brandeis J.

*Jody Berkes is a 2nd year law student who still needs an articling position with the Supreme Court. His column appears weekly in the Quid Novi.*



# Diary of a Third Year Student

**Randy Hahn**  
**LLB III**

## Thursday

With great excitement I arrive at the Law Faculty's annual Skit Nite. In addition to the usual cathartic skits about life at the law school, there are appearances by some local rock stars who teach law in their spare time. One such act features Rosalie Jukier and Alison Harvison-Young doing an impressive rendition of Janis Joplin and Grace Slick's famous recording of "Smoke Gets in Your Eyes." The real highlight of the evening, however, is an appearance by Martin "Marty" Boodman who sings a moving ballad about the *Personal Property Security Act*. The talented crooner is clearly a favourite with the young girls in the audience who shriek incessantly and have to be physically restrained from rushing the stage. Late that night at a private party, Marty regales the groupies with stories about the old days when he would watch the sunrise over Big Sur while he talked with Jimi Hendrix and Keith Richards about security on moveables. "I remember Keith always saying that possession is nine-tenths of the law," reminisces the Law Faculty's resident teenage heart-throb. Oh, the halcyon days of our youth.

## Friday

Off I go to the Legal Theory Workshop to hear a presentation on the Canadian Charter of Rights and Freedoms. It is a fascinating talk. Looking around the room I notice that my old friend Pierre Trudeau silently takes in the proceedings. Afterwards,

I ask him if there is any truth to the rumours that he has been appointed to serve as the Law Faculty's next dean. He tells me he has absolutely no interest in the job, but he's being deliberately coy, so he can score some free lunches before he finally declares himself out of the running. He asks me not to say anything about all this. Mum's the word Pierre.

## Monday

The Law Faculty is abuzz with stories about the upcoming LSA elections. Candidates are all trying to outdo each other with promises of cutting back on frills enjoyed by LSA executives. This year the LSA president axed the free haircuts that LSA apparatchiks were entitled to, thus preventing him from keeping his campaign promise which was to cut his hair. His would-be successors are evidently determined to keep chopping unnecessary expenses in their zeal to attract votes. One candidate vows to forego the official LSA chauffeur; another swears that subsidized shoeshines will be a thing of the past; yet another proposes to tackle the sensitive issue of LSA pensions.

Amidst all the political chatter, the clear, sane voice of Roland Legault is a welcome relief. It was Roland, of course, who helped orchestrate subsidization for the various Coffee Houses this year.<sup>1</sup> An enlightened Roland proposes to have the large law firms provide three square meals every day, free of charge, for all law students. In return the law firms will be able to send some of their more boring and unproductive lawyers to the faculty in order to jabber on mindlessly to the students who show

up for the free food. It's a win-win situation and Roland's creative approach to cutting spending while maintaining services certainly deserves support. Bravo Mr. Legault!

## Tuesday

I pay my biannual visit to the library only to discover that all the books have been removed from the shelves and stacked up against the windows. Rumours circulate that this is the first step in a top secret plan to empty out the library and then blow up the hideous and ugly New Chancellor Day Hall, making the explosion look like an accident so that insurance money will pay for a more aesthetically pleasing edifice to replace it. Is this possible? I think we should be told.

## Wednesday

While visiting the newsagent in order to purchase the current issue of "The Illustrated Supreme Court Reporter" I glance at the tabloids. The incredible headlines are always good for a chuckle. "Elvis and JFK both vie for Hillary's heart" reads one. According to another, "Aliens Look for Funding on Wall Street." I then read one headline which is the most unbelievable I've ever seen: "Law Student Claims to Understand the Rule in Shelley's Case." Who do they think they're kidding?

<sup>1</sup> (Eds. Note: In all fairness, credit is due to George Sopel on this issue. Thanks George!)



# McGill Law Journal Election Results

Hearty congratulations to the following on their recent election to next year's board (Volume 40):

Editor-in-Chief	Jodi Lackman
Associate Editor	Martin-Pierre Boulianne
Executive Editor	Susan Wells
Managing Editor	Fred Purkey
Case Comments Editor	Léna Taylor
Book Reviews Editor	Kim Schenck
Solicitations Editor	Mike Padfield
Citations Editor	Jay Howard
Note Project Editor	Christoph Sicking



## LEGAL METHODOLOGY PROGRAMME PROGRAMME DE MÉTHODOLOGIE JURIDIQUE

### THE DIRECTORS OF THE PROGRAMME ARE NOW LOOKING FOR NEXT YEAR'S TUTORIAL LEADERS!

Approximately sixteen students are needed to teach the methodology to small groups of first year students. The programme unfolds over a full year and entails setting and correcting of a number of methodology assignments and holding regular meetings of group. Three credits will be awarded. Any student having completed at least 2 years of law school with good academic results may apply. Please obtain an application form from U.S.O. and return it completed with a curriculum vitae. Short interviews might also be conducted. THE DEADLINE IS

MARCH 21.

One student is also needed to conduct the writing workshops and help individual students with special needs. Application procedure is same as above.

Four students are also needed for the second-year component of the methodology programme. These students will be responsible for setting the second-year moot and memo problems as well as for correcting assignments in conjunction with professors. Three credits will be awarded. Any student having completed at least 2 years of law

school with good academic results may apply. Please obtain an application form from U.S.O. and return it completed with a curriculum vitae. Short interviews might also be conducted. THE DEADLINE IS MARCH 21.

Lastly, the director is looking for a graduating student to fill the position of assistant-director as of September 1994. this is a part-time position. DEADLINE FOR ALL DOCUMENTATION IS MARCH 21.



# The McGill Law Journal

The *Journal* is a bilingual, bijuridical academic publication that for forty years has published papers by professors, practitioners, and students. These papers are in English or French, and address all areas of the law. Here is some general information about the *Journal*:

The *Journal* has been cited in thirty-five Supreme Court of Canada decisions since 1985.

*Journal* alumni include McGill Law Professors Brierley, Healy, Kasirer, Toope, Jordan, Bell, Harvison-Young, de Mestral, and Scott.

All law schools in Canada, virtually all law schools in the United States, the Supreme Court of Canada, the U.S. Supreme Court, and most major law firms have subscriptions to the *Journal*.

We publish four issues per year, of around three-hundred pages each.

Students who serve on the *Journal* receive academic credit.

The *Journal* has thirty members who serve for a two-year term; each fall, fifteen new board members are chosen. We are looking for people who are dedicated to devoting time to editing and managing the *Journal*.

If you are now in first year, or in the second year of the National Programme, and you think that next fall you might be interested in becoming part of the *Journal*, then come to our reception!

Information Session (with free food!)  
Wednesday, March 23rd, 1pm, Common Room



# Concours Jean Pictet

**Marie Paré  
Valérie Héroux  
Catherine Bohémier  
Avocates**

A Montréal et Québec, du 5 au 11 avril 1994, se tiendra pour la première fois hors du continent européen le Concours de droit international humanitaire Jean Pictet. L'Honorable Jules Deschênes, récemment élu membre du Tribunal international pour l'ex-Yougoslavie par l'Assemblée générale des Nations Unies, a accepté d'assumer la présidence de cette VI<sup>ème</sup> édition du Concours.

L'Institut Québécois de Droit Humanitaire et la Société canadienne de la Croix-Rouge, division du Québec, agiront à titre d'organismes hôtes de l'événement. Le Québec sera à sa cinquième participation au Concours: à deux reprises déjà une équipe formée d'étudiants de l'École du Barreau, centre de Montréal, a remporté les honneurs. Quatre équipes québécoises sont inscrites à la VI<sup>ème</sup> édition, et elles auront à affronter dix-huit équipes représentant des institutions d'Europe, d'Afrique et d'Amérique du Sud.

Ainsi nommé en l'honneur de l'auteur des "Commentaires" des Conventions de Genève et des Protocoles y afférents, le Concours Jean Pictet a vu le jour en 1989 à Clermont-Ferrand (France), à l'heureuse initiative du juriste Christophe Lanord et de l'Institut Français de Droit Humanitaire,

lesquels ont pu bénéficier de l'appui de l'Institut Henry-Dunant et du Comité International de la Croix-Rouge. Ses éditions antérieures sont déroulées en Europe, soit à deux reprises à Clermont-Ferrand, à Montpellier, Genève et Bruxelles. Il a à ce jour permis de réunir des participants issus de plus d'une vingtaine d'institutions réparties sur trois continents. L'Afrique sera cette année représentée pour la première fois.

Le Concours Jean Pictet, dont l'objectif consiste à contribuer à la diffusion et la promotion du droit international humanitaire, se veut d'abord axé sur la pratique de ce domaine de droit encore trop mal connu. Ses concepteurs ont en conséquence retenu une formule qui, à mi-chemin entre la plaidoirie et la simulation, leur permet tant de faire appel non seulement aux connaissances juridiques des participants mais aussi à leur imagination. Ces derniers seront tantôt amenés, en fonction du problème posé, à agir à titre de procureurs devant un tribunal de juridiction interne ou internationale, de rapporteurs devant un organisme international, ou comme conseillers juridiques et politiques de chefs d'États.

A l'opposé des Jessup, Rousseau et Gale, le mémoire écrit ne fait pas partie des épreuves de participation au concours qui sont beaucoup plus axées sur la spontanéité et le pragmatisme des participants.

Le Concours permet à des

équipes formées de quatre membres de confronter leurs connaissances juridiques et d'éprouver leur habilité à trouver la solution à une situation de crise. Il se déroule en trois étapes: éliminatoires (6 avril, UQAM), semi-finales (8 avril, Palais de Justice de Québec) et finale (10 avril, Salon Rouge de l'Assemblée Nationale). A chacune de ces étapes les participants doivent, en une courte période de sept heures, se pencher sur un cas pratique élaboré par le Comité scientifique du Concours et soumettre par la suite leurs conclusions à un jury formé d'experts. Les trois épreuves imposées aux participants sont échelonnées sur cinq jours au terme desquels l'équipe gagnante se voit remettre le Prix Jean Pictet, qui consiste en un stage de quinze jours à l'Institut Henry-Dunant de Genève. Le Prix Gilbert Apollis est par ailleurs remis au meilleur orateur, tandis que le Prix Wilson & Lafleur est attribué à l'équipe qui est défaite in extremis en finale.

Une journée d'activité culturelle est prévue entre chacune des étapes; notamment, les participants sont conviés au Colloque de droit humanitaire organisé par l'Université du Québec à Montréal les 6 et 7 avril.

La promotion et la diffusion du droit international humanitaire sont des préoccupations d'une très grande actualité, comme en font foi les événements internationaux auxquels nous ne cessons d'assister.